

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MONDIS TECHNOLOGY LTD.,
HITACHI MAXELL, LTD., n/k/a
MAXELL HOLDINGS, LTD., and
MAXELL, LTD.,

Plaintiff,

v.

LG ELECTRONICS INC. and
LG ELECTRONICS U.S.A., INC.,

Defendants.

Civil Action No. 15-04431(SRC/CLW)

**[PROPOSED] ORDER
REGARDING
THE PARTIES'
DAUBERT MOTIONS**

Electronically Filed

THIS MATTER having been brought before the Court by Defendants LG Electronics Inc. and LG Electronics U.S.A., Inc.'s (collectively, "LG") Motion *in Limine* No. 1 (D.E. 321), and Plaintiffs' Mondis Technology Ltd., Hitachi Maxell, Ltd., n/k/a Maxell Holdings, Ltd., and Maxell, Ltd., (collectively, "Plaintiffs") Motion *in Limine* No. 1 (D.E. 331). The Court having considered the written submissions of the parties and the arguments of counsel at the hearings on February 20, 2019 and March 22, 2019, and the witness testimony during the liability phase of the trial, and for the reasons set forth on the record during this hearing;

IT IS ON THIS 11 day of APRIL, 2019,

1. **ORDERED** that Plaintiffs' Motion *in Limine* No. 1 is hereby **GRANTED-IN-PART AND DENIED-IN-PART**, with the following instructions:

LG's damages expert will be permitted to testify in accordance with the following opinions he presented during the March 22, 2019 hearing: (i) apportionment of the LG, TPV, and Hon Hai licenses, and (ii) apportionment based on excess sales price.

LG's damages expert will not be permitted to testify regarding his opinions based on: (i) the LG-HDMI license, and (ii) any smallest saleable patent practicing unit ("SSPPU") apportionment based on computer chip key features.

2. **ORDERED** that LG's Motion *in Limine* No. 1 is hereby **GRANTED-IN-PART AND DENIED-IN-PART**, with the following instructions:

Plaintiffs' damages expert will be permitted to testify in accordance with the opinions he presented during the March 22, 2019 hearing. However, with regards to his opinion that real-world negotiations are entered into with uncertainty about validity and infringement, his testimony shall be based solely on Mr. Spiro's testimony and shall not be based upon the patent challenge provisions of other licenses.



Hon. Stanley R. Chesler, U.S.D.J.